

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL
STATE OF ALABAMA

FEB 18 1983

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Mr. Charles Whiddon
Chairman
Houston County Commission
Post Office Drawer 6406
Dothan, Alabama 36302

Sheriffs - Supernumerary
Status - Retirement

Under the Supernumerary
Sheriff's Program credits
for prior service cannot
be purchased after July
19, 1980.

Dear Mr. Whiddon:

This letter is in response to an opinion request from the Houston County Commission as to whether Sheriff Clark of Houston County could elect in December of 1982 to come under the supernumerary sheriff's program.

Under the provisions of the Code of Alabama, 1975, § 36-22-63, the governing body of each county on July 19, 1979 was required to start deducting from the salary of the county sheriff an amount equal to six percent of the monthly salary paid such sheriff only if the sheriff was

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not eligible to become entitled to any other state or county retirement act. Thus if Sheriff Clark in July of 1979 was participating in the state retirement system the Houston County Commission was not required to deduct six percent of the salary of Sheriff Clark.

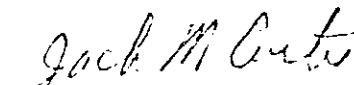
Sheriff Clark could have elected at that time to participate in the supernumerary sheriff's program and could have purchased prior service credits. Section 36-22-60 and 36-22-63. Prior service credits, however, had to be purchased prior to July 19, 1980. Section 36-22-63.

After July 19, 1980 Sheriff Clark was no longer eligible to purchase prior service credits. Thus if Sheriff Clark did not elect to participate in the supernumerary sheriff's program until December of 1982 he would not have enough service credits to become a supernumerary sheriff under the provisions of § 36-22-60.

I hope I have satisfactorily answered your inquiry with regard to this matter.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-



JACK M. CURTIS
Assistant Attorney General

JMC:db